

PROB 12C
ED/AR (12/2012)

United States District Court

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

DEC 05 2017

for the

Eastern District of Arkansas

JAMES W. McCORMACK, CLERK
By: jmw DEP CLERK**SUPERSEDING PETITION**

(Replacing previously filed petition, Docket Entry 26)

Name of Offender: Michael Layton

Case Number: 4:12CR00267-001 KGB

Name of Sentencing Judicial Officer: Honorable Kristine G. Baker
United States District Judge

Original Offense: Felon in Possession of a Firearm

Date of Sentence: November 21, 2013

Original Sentence: 30 months Bureau of Prisons followed by 36 months supervised release

Type of Supervision: Supervised Release
Date Supervision Commenced: December 31, 2015
Date Supervision Expires: December 30, 2018Acting Drug and Alcohol Asst. U.S. Defense
Treatment Specialist: Bryce D. Attorney: Allison Bragg Attorney: To be appointed
Geiggar**PETITIONING THE COURT**

- ☐ To Issue a Sealed Warrant Pending Execution (cc: U.S. Probation and U.S. Marshal only)
- ☒ The Petition (Docket Entry 26) is denied as moot and superseded by this Petition
- ☐ To Issue a Summons
- ☒ Other

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Condition and Number</u>	<u>Nature of Noncompliance</u>
1	General	The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
2	Standard (7)	The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. On January 7, 2016, Mr. Layton submitted a urine specimen which tested and confirmed positive for the use of marijuana. Furthermore, on July 18, 2017, Mr. Layton admitted he used marijuana and signed an admission form; however, he was unable to recall the date of use.

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Superseding Petition

Name of Offender: Michael Layton

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On January 28, 2016, Mr. Layton submitted a urine specimen which tested and confirmed positive for the use of marijuana. An interpretation of results performed by Alere Toxicology determined these test results were not due to residual elimination.

On March 9, 2016, Mr. Layton submitted a urine specimen which tested and confirmed positive for the use of marijuana. Furthermore, on July 18, 2017, Mr. Layton admitted he used marijuana and signed an admission form; however, he was unable to recall the date of use.

On May 16, 2016, sweat patch test results received on Mr. Layton confirmed positive for the use of cocaine and phencyclidine. The sweat patch was applied on April 26, 2016, and removed on May 6, 2016.

On June 9, 2016, Mr. Layton submitted a urine specimen which tested and confirmed positive for the use of marijuana.

On June 22, 2016, sweat patch test results received on Mr. Layton confirmed positive for the use of cocaine. The sweat patch was applied on June 9, 2016, and removed on June 17, 2016.

On June 23, 2016, Mr. Layton submitted a urine specimen which tested and confirmed positive for the use of marijuana. Furthermore, on July 18, 2017, Mr. Layton admitted he used marijuana and signed an admission form; however, he was unable to recall the date of use.

On November 16, 2016, Mr. Layton submitted a urine specimen which tested and confirmed positive for the use of marijuana. Furthermore, on July 18, 2017, Mr. Layton admitted he used marijuana and signed an admission form; however, he was unable to recall the date of use.

On May 30, July 20, and August 17, 2017, Mr. Layton submitted a urine specimen which tested and confirmed to be diluted.

On July 11, 2017, Mr. Layton submitted a urine specimen which tested and confirmed positive for the use of marijuana.

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Special

Mr. Layton shall participate under the guidance and supervision of the probation officers, in substance abuse treatment programs which may include testing, outpatient counseling, and residential treatment. Further, Mr. Layton shall abstain from the use of alcohol throughout the course of treatment.

Mr. Layton violated this condition of supervised release by failing to submit a urine specimen on January 12, March 7, 30, April 25, July 8, September 7, and

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Superseding Petition

Name of Offender: Michael Layton

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November 9 and 28, 2016; and February 17, 28, March 27, October 5, 23, and November 20, 2017.

Mr. Layton failed to attend outpatient substance abuse counseling sessions at the Recovery Centers of Arkansas, on February 27, March 13, 27, and April 10 and 17, 2017.

Mr. Layton violated this condition of supervised release when he was discharged from the chemical-free living program at Recovery Centers of Arkansas as a program failure on April 24, 2017, due to multiple rule violations.

Mr. Layton violated this condition of supervised release by failing to provide a urine specimen after reporting for a scheduled drug test at the U.S. Probation Office on August 15, 2017. Mr. Layton's inability to produce a urine specimen in a reasonable amount of time was considered a stall.

- 4 Mandatory** **The defendant shall not commit another federal, state, or local crime.**
On July 22, 2016, Mr. Layton violated this condition of supervised release when he punched a female victim in the face repeatedly with a closed fist as evidenced by his arrest on October 5, 2016, for Assault 2nd Degree, as documented by the North Little Rock, Arkansas, Police Department's incident report no. 20160599982. On January 4, 2017, Mr. Layton was convicted of Assault 2nd Degree in Case No. CR-16-8459 in the North Little Rock, Arkansas, District Court. He was sentenced to six months of probation, community service, and court costs and fines in the total amount of \$1,140.
- 5 Special (5)** **Mr. Layton shall reside in a halfway house, with his placement to be arranged and approved by the United States Probation Office. Mr. Layton must reside at the halfway house for six months from the date he enters the halfway house.**
Mr. Layton failed to comply with the rules and regulations of the City of Faith, as evidenced by his termination from said center on October 31, 2017.

Bryce D. Geiggar

Bryce D. Geiggar
Acting Drug and Alcohol Treatment
Specialist

Executed on November 30, 2017

Allison Bragg

Allison Bragg
Assistant U.S. Attorney

Executed on 12/4/17

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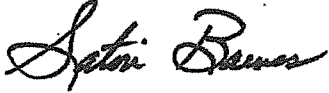
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Superseding Petition

Name of Offender: Michael Layton

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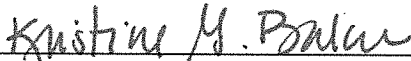
Approved by:



Supervising U.S. Probation Officer

THE COURT ORDERS:

- ☐ To Issue a Sealed Warrant Pending Execution (cc: U.S. Probation and U.S. Marshal only)
- ☒ The Petition (Docket Entry 26) is denied as moot and superseded by this Petition
- ☐ To Issue a Summons
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Honorable Kristine G. Baker
United States District Judge



Date